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09/859,638	05/18/2001	Koji Fujita	SON-2097	3892

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EXAMINER

HARPER, HOLLY R

ART UNIT

PAPER NUMBER

2879

DATE MAILED: 08/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/859,638

Applicant(s)

FUJITA ET AL.

Examiner

Holly R. Harper

Art Unit

2879

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 3-7, 10 and 18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 8-9, 11-17, 19-25 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 May 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other:

DETAILED ACTION

Response to Amendment

1. The Amendment, filed on 5/12/03 has been entered and acknowledged by the Examiner.

Claims 10 and 18 have been canceled.

Claims 1 and 2 have been amended.

Drawings

2. Figure 4 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schwartz (USPN 3,910,806) in view of Manske (USPN 3,954,011).

In regard to claim 1, the Schwartz reference discloses a transfer film comprising a base, a metal layer on the base, and an adhesive on the metal layer (Column 4, Lines 10-15). The Schwartz reference does not disclose the use of a cover film over the adhesive layer. The Manske reference, in the analogous art of transfer films, teaches that a release liner (cover film) is used over the adhesive layer (Column 12, Lines 6-10). A cover film helps to protect the adhesive layer from contamination. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a cover film over the adhesive layer of a transfer film, as taught by Manske, to protect it from contamination.

In regard to claims 12 and 13, the Schwartz reference discloses that the metal layer is made of aluminum, a metal back film (Column 3, Lines 35-38).

In regard to claim 14, the Schwartz reference discloses that the adhesion layer comes in contact with the metal film (Figure 5, Elements 16 and 14).

In regard to claim 15, the Schwartz reference discloses that the adhesion layer is used to adhere to the inside surface of a cathode ray tube (Figure 6, Element 18 and 16).

5. Claims 1 and 8-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Yuzo (JP 01167933) in further view of Manske (USPN 3,954,011).

In regard to claim 1, the Yuzo reference discloses a transfer film composed of a base film, a released layer, fluorescent layer, conductive layer, and adhesive layer (2nd paragraph of abstract). The Yuzo reference does not disclose the use of a cover film over the adhesive layer. The Manske reference, in the analogous art of transfer films, teaches that a release liner (cover film) is used over the adhesive layer (Column 12, Lines 6-10). A cover film helps to protect the adhesive layer from contamination. It would have been obvious to one of ordinary skill in the art

Art Unit: 2879

at the time the invention was made to use a cover film over the adhesive layer of a transfer film, as taught by Manske, to protect it from contamination.

In regard to claim 8, the Yuzo reference discloses a released layer (cushion film) made of resin is between the base film and the conductive film (Figure 1). Because the base film and released layer are removed, it is obvious that the adhesiveness of the cushion film to the base film is stronger than the adhesiveness of the cushion film to the metal layer.

In regard to claim 9, the Yuzo reference discloses that the cushion film comes in contact with the base film (Figure 1).

6. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schwartz in view of Utsumi (USPN 5,418,075) in view of Manske (USPN 3,954,011).

The Schwartz reference in view of Manske discloses all the limitations of claim 1 above.

In regard to claim 11, the Schwartz reference discloses a base film but doesn't specify the materials used to make the film. The Utsumi reference teaches that the base film for a transfer film used with cathode ray tubes can be made of polyethylene terephthalate. This is an art recognized specific embodiment of the general term base film used in transfer films.

Thus, it would have been obvious at the time the invention was made to a person having ordinary skills in the art to incorporate polyethylene terephthalate as the material for the base film, as taught by Utsumi.

7. Claims 2, 19-20, and 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schwartz (USPN 3,910,806) in view of Nishimura et al. (USPN 5,141,461) hereinafter "Nishimura" in further view of Manske (USPN 3,954,011).

Art Unit: 2879

In regard to claims 2 and 20, the Schwartz reference discloses a transfer film comprising a base, a metal layer on the base, and an adhesive on the metal layer (Column 4, Lines 10-15). The Schwartz reference does not disclose the use of a cover film over the adhesive layer. The Manske reference, in the analogous art of transfer films, teaches that a release liner (cover film) is used over the adhesive layer (Column 12, Lines 6-10). A cover film helps to protect the adhesive layer from contamination. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a cover film over the adhesive layer of a transfer film, as taught by Manske, to protect it from contamination.

The Schwartz reference does not disclose that a heat absorption film is incorporated in the transfer film. The Nishimura reference teaches that a blackening film can be formed on the back of the metal layer. The blackening film helps with the absorption of the radiation heat from the mask on the appearance of the picture. It reduces the thermal reflection from the metal surface, which prevents the temperature of the mask from increasing. The blackening layer is formed in such a way that a barrier layer is created and then graphite slurry is spray-coated on (Column 2, Lines 1-20).

Thus, it would have been obvious at the time the invention was made to a person having ordinary skills in the art to incorporate a heat absorption film on the back of the metal layer, as taught by Nishimura, to help absorb radiation heat from the mask.

In regard to claim 19, the Nishimura reference discloses that the heat absorbing layer is disposed onto the surface of a cathode ray tube (Column 2, Lines 1-9).

In regard to claim 19, the recitation "absorbs heat from an aperture grill" has not been given patentable weight because is considered an intended used recitation. It has been held that a

Art Unit: 2879

recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations.

In regard to claims 22 and 23, the Schwartz reference discloses that the metal layer is made of aluminum, a metal back film (Column 3, Lines 35-38).

In regard to claim 24, the Schwartz reference discloses that the adhesion layer comes in contact with the metal film (Figure 5, Elements 16 and 14).

In regard to claim 25, the Schwartz reference discloses that the adhesion layer is used to adhere to the inside surface of a cathode ray tube (Figure 6, Element 18 and 16).

8. Claims 2, and 16-17 are rejected under 35 U.S.C. 103(a) as being anticipated by Yuzo (JP 01167933) in view of Nishimura et al. (USPN 5,141,461) hereinafter "Nishimura" in further view of Manske (USPN 3,954,011).

In regard to claims 2 and 17, the Yuzo reference discloses a transfer film composed of a base film, a released layer (cushion film), fluorescent layer, conductive layer, and an adhesive layer (2nd paragraph of abstract). The Yuzo reference does not disclose the use of a cover film over the adhesive layer. The Manske reference, in the analogous art of transfer films, teaches that a release liner (cover film) is used over the adhesive layer (Column 12, Lines 6-10). A cover film helps to protect the adhesive layer from contamination. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a cover film over the adhesive layer of a transfer film, as taught by Manske, to protect it from contamination.

The Yuzo reference does not disclose that a heat absorption film is incorporated in the transfer film. The Nishimura reference teaches that a heat absorbing film can be formed on the

Art Unit: 2879

back of the metal layer. The heat absorbing film helps with the absorption of the radiation heat from the mask on the appearance of the picture. It reduces the thermal reflection from the metal surface, which prevents the temperature of the mask from increasing (Column 2, Lines 1-9).

Thus, it would have been obvious at the time the invention was made to a person having ordinary skills in the art to incorporate a heat absorption film on the back of the metal layer, as taught by Nishimura, to help absorb radiation heat from the mask.

In regard to claim 16, the Yuzo reference in view of the Nishimura reference discloses a released layer (cushion film) made of resin between the base film and the heat absorption film (Figure 1). Because the base film and released layer are removed, it is obvious that the adhesiveness of the cushion film to the base film is stronger than the adhesiveness of the cushion film to the heat absorption layer.

In regard to claim 17, the Yuzo reference discloses that the cushion film comes in contact with the base film (Figure 1).

9. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schwartz in view of Nishimura (USPN 5,141,461) in further view of Utsumi (USPN 5,418,075) in further view of Manske (USPN 3,954,011).

The Schwartz reference in view Manske in further view of the Nishimura reference discloses all the limitations of claim 2 and is described above.

In regard to claim 21, the Schwartz reference discloses a base film but doesn't specify the materials used to make the film. The Utsumi reference teaches that the base film for a transfer film used with cathode ray tubes can be made of polyethylene terephthalate. This is an art recognized specific embodiment of the general term base film used in transfer films.

Art Unit: 2879

Thus, it would have been obvious at the time the invention was made to a person having ordinary skills in the art to incorporate polyethylene terephthalate as the material for the base film, as taught by Utsumi.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kim (USPN 5,993,920) discloses the use of a protective layer over the adhesive layer.

Ohno et al. (USPN 6,482,556 B1) discloses the use of a cover film to protect the adhesive layer.

Hornibrook et al. (USPN 4,248,918) discloses the use of a removable liner over the adhesive layer.

Response to Arguments

11. Applicant's arguments, filed 5/12/2003, with respect to the rejection(s) of claim(s) 1-25 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made.

This action is made non-final.

Art Unit: 2879

Contact Information


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Holly Harper whose telephone number is (703) 305-7908. The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel, can be reached on (703) 305-4794. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7382.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Holly Harper
Patent Examiner
Art Unit 2879



VIP PATEL
PRIMARY EXAMINER